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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,903	05/19/2004	Amar S. Wanni	P2003J053	6026

7590 06/10/2005

EXXONMOBIL RESEARCH AND
ENGINEERING COMPANY
P.O. Box 900
Annandale, NJ 08801-0900

EXAMINER

WALBERG, TERESA J

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/848,903

Applicant(s)

WANNI ET AL.

Examiner

Teresa J. Walberg

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,10-13 and 20 is/are rejected.
- 7) ☒ Claim(s) 4,7-9 and 14-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The present abstract is longer than 150 words and must be amended.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Malaval (4,860,697).

Malaval discloses a tube support device (see col. 1, lines 8-13) including a longitudinally extensive strip (7) having a plurality of successive transverse rows located at successive longitudinal locations along the strip (7), each row having a plurality of raised tube engaging zones (16) on each face of the strip (7), extending laterally outwards from both faces of the strip (7) to engage with tubes

(4) in the tube bundle on opposite sides of a tube lane (Fig. 3), the raised tube engaging zones (16) comprise longitudinally extensive corrugations which extend outwards (Fig. 3) from their respective face of the strip (7).

4. Claims 1, 3, 5, 6, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wachter (5,072,786).

Wachter discloses a tube support device (see Figs. 4 and 5) including a longitudinally extensive strip (31) having a plurality of successive transverse rows located at successive longitudinal locations along the strip (Figs. 3 and 4), each row having a plurality of raised tube engaging zones (43, 44) on each face of the strip (31), extending laterally outwards (Fig. 5) from both faces of the strip (31) to engage with tubes (41 and 42 in Fig. 5) in the tube bundle on opposite sides of a tube lane (Fig. 5) and on opposite sides of the strip (31), the raised tube engaging zones (43, 44) comprise longitudinally extensive corrugations (formed as bow springs, see col. 4, lines 64-68) or dimples (see 43 and 44 in Fig. 5) which extend outward (Fig. 5) from their respective face of the strip (31).

5. Claims 1-3, 6, 10-13, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Roffler (4,160,477).

Roffler discloses a tube support device (see Fig. 1) including a longitudinally extensive strip (7) having a plurality of successive transverse rows located at successive longitudinal locations along the strip (Figs. 1), each row

having a plurality of raised tube engaging zones (30) on each face of the strip (7), extending laterally outwards (Fig. 1 and 4) from both faces of the strip (7) to engage with tubes (4) in the tube bundle on opposite sides of a tube lane (Fig. 1) and on opposite sides of the strip (7), the raised tube engaging zones (30) alternately extending outwardly from one face of the strip and the other (see Figs. 1 and 4), the tube engaging zones comprising longitudinally extensive corrugations (Figs. 1 and 2) which extend outwards (Fig. 2) from their respective face of the strip (7), the tubes being arranged in triangular formation (Fig. 1).

6. Claims 4, 7-9, and 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jabsen (3,933,583), Beuchel et al (4,175,003), Jabsen (4,359,088), Ringsmuth et al (4,570,703), and Anthony (4,781,884) are cited to show anti-vibration support members.

8. The information disclosure statement filed 9 August 2004 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from

citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

The form PTO 1449 that was stated to be attached to the paper was not received.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa J. Walberg whose telephone number is 571-272-4790. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 571-272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 3753

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A handwritten signature in black ink, reading "Teresa J. Walberg". The signature is written in a cursive style with a large, stylized "T" and "W".

Teresa J. Walberg
Primary Examiner
Art Unit 3753

tjw